

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1782.01
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	July 16, 2001
DATE OF REPORT:	August 15, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 14, 2001

COMPLAINT ISSUES:

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-25-2 with regard to the school's alleged failure to ensure the location, identification, and evaluation of a student, less than twenty-two years of age, and in need of special education and related services.

511 IAC 7-25-2(b)(2) and (5) with regard to the school's alleged failure to respond to the parent who has expressed concern to certified personnel in writing that the student is in need of special education and related services, and alleged failure to respond to other certified personnel who have expressed performance concerns to the director of special education or other administrative personnel of the public agency.

FINDINGS OF FACT:

1. The student (the "Student") turned four years old on December 16, 2000. The Student has not been found eligible for special education and related services. The Student did not participate in First Steps.
2. The Complainant contends that she has been trying to get educational services for the Student since the beginning of the 2000-01 school year. The Complainant reported that she hand-delivered referral paperwork to a local elementary school (the "School") in August of 2000; however, the Complainant did not retain copies of the paperwork.
3. The local special education preschool coordinator (the "Preschool Coordinator") reported that on July 31, 2000, the Complainant hand delivered an application to enroll the Student and the Student's sibling in the Head Start program. The Head Start program is housed in the School and it is one of the local school corporation's elementary schools. The Student was three at that time and was placed on the three-year-old waiting list.
4. The Student's private physician referred the Student to the local developmental disabilities agency (the "Agency") for an occupational therapy ("OT") evaluation. The evaluation was conducted on November 30, 2000. The evaluation report states that the Student is "currently on the waiting list for the Head Start Program, and does not attend any other preschool programs at this time." As a result of the evaluation the Student began receiving OT from the Agency that continued for the remainder of the 2000-01 school year.

5. The Complainant submitted a copy of A *School Corporation Referral* form (the "Form") that was completed by a representative of the Agency on January 15, 2001. The Form contains a handwritten note, that was initialed, stating that the Form was sent to the Preschool Coordinator on January 15, 2001.
6. The Preschool Coordinator reported that when she receives a Form and it has "speech and language" checked as the only area of concern, the Form is routed directly to the speech/language pathologist. If anything else is checked on the Form it is forwarded to one of the two preschool teachers. The Form completed for the Student had "self-help" and "fine motor" checked as areas of concern. The Preschool Coordinator did not recognize the name of Student, however, she stated that she would check with the two preschool teachers to see if either of them had the Form. No further information was provided, nor was additional documentation submitted by the Preschool Coordinator regarding the Form.
7. The president of the Agency (the "President") reported that Agency staff have regular contact with the Preschool Coordinator and the Preschool Coordinator has always been very responsive. The President stated that their file on the Student only contained the Form sent to the Preschool Coordinator on January 15, 2001, to indicate any contact with the local special education cooperative.
8. In a letter to the Director dated June 18, 2001, the Complainant requested that the Student be given an evaluation for central auditory processing difficulties, an educational evaluation for a suspected disability of autism, a physical therapy evaluation, an occupational therapy evaluation, and an evaluation for a communication disorder.
9. The Director reported that there is no record of any contact from the Complainant prior to receiving a written request for an evaluation dated June 18, 2001, from the Complainant.
10. The Complainant met with the local school corporation psychologist (the "Psychologist") on June 20, 2001, to complete the referral paperwork, and the evaluations have begun.

CONCLUSIONS:

1. Although Findings of Fact #8, #9, and #10 indicate that the local special education cooperative had no knowledge of the referral or the Student until June 2001, Findings of Fact #1 through #7 indicate that in January 2001, the Agency referred the Student to the local special education cooperative for an educational evaluation, and there was a failure to take appropriate action to identify or evaluate the Student. A violation of 511 IAC 7-25-2 occurred.
- 2.a. Although Findings of Fact #2 and #3 indicate that the Complainant thought she had referred the Student for an educational evaluation; in actuality the paperwork was an application to enroll the Student in the Head Start program. Further, Findings of Fact #8 and #10 indicate that the special education cooperative responded to the Complainant's June 2001, request for an educational evaluation. No violation of 511 IAC 7-25-2(b)(2) occurred.
- 2.b. Findings of Fact #5 and #6 indicate that the special education cooperative did not proceed with the educational evaluation when the Agency made the January 2001, referral. A violation of 511 IAC 7-25-2(b)(5) occurred.

The Department of Education, Division of Special Education requires the following corrective

action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative shall:

1. disseminate a notification to all local school corporation professional personnel regarding their responsibility to ensure the location, identification, and evaluation of students, less than twenty-two years of age, and in need of special education and related services. A copy of the notification, along with a list of all recipients receiving the notification, shall be submitted to the Division no later than September 14, 2001.
2. submit a statement assuring that a response shall be made when other certified personnel express performance concerns to the director of special education or other administrative personnel of the public agency. The assurance statement shall be submitted to the Division no later than September 14, 2001.

DATE REPORT COMPLETED: September 15, 2001